

Attorney General

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Phoenix, Arizona 85007

Robert E. Corbin

January 21, 1988

Mr. Matthew H. Wheeler, Executive Director  
Arizona State Board of Dental Examiners  
5060 North 19th Avenue, Suite 406  
Phoenix, Arizona 85015

Re: 188-014 (R87-198)

Dear Mr. Wheeler:

You have asked whether a member of the Board of Dental Examiners who holds a non-salaried position as trustee, delegate or officer of a local, state or national association, has a conflict of interest under A.R.S. §§ 38-501 to -511. Specifically, you question whether a member of the State Dental Board required by A.R.S. § 32-1203(A) to be a licensed dental hygienist has a conflict of interest while serving simultaneously as an unpaid trustee of the American Dental Hygienists Association.

The Arizona conflict of interest statutes, A.R.S. § 38-501 et seq., set forth those matters presenting conflicts of interest for public officers<sup>1/</sup> and employees. A.R.S. § 38-503(B) provides:

B. Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

(Emphasis added). A "substantial interest," as defined in A.R.S. § 38-502(11), is "any pecuniary or proprietary interest, either

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<sup>1/</sup>As a duly appointed member of the State Dental Board, which board is established by A.R.S. § 32-1203, the dental hygienist member of the board is a "public officer" as that term is defined in A.R.S. § 38-502(8).

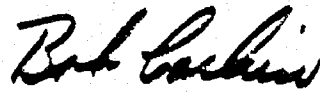
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direct or indirect, other than a remote interest." A.R.S. § 38-502(10) defines a "remote interest" to mean only ten specifically recognized interests. Two of the recognized remote interests are those of a "non-salaried officer of a nonprofit corporation" (A.R.S. § 38-502(10)(a)) and those of a "member of a trade, business, occupation, profession or class of persons which is no greater than the interest of the other members of that or similar trades, businesses, occupations, professions or classes of persons" (A.R.S. § 38-502(10)(j)).

In Ariz. Atty. Gen. Op. 179-142, we addressed certain questions regarding potential conflicts of interest involving dentist members of the Arizona Board of Dental Examiners also holding offices in the State Dental Association. In that opinion, we concluded that the mere holding of non-salaried offices by a member of the Board, without more, constituted a remote interest as recognized in A.R.S. § 38-502(10)(a) and (j). Similarly, the dental hygienist member of the Board would also have no inherent conflict of interest in holding a non-salaried position within the American Dental Hygienists Association or by virtue of being a member of the class of persons licensed as dental hygienists.

We conclude that holding a non-salaried office in the American Association of Dental Hygienists alone does not result in a conflict of interest for the dental hygienist member of the Arizona State Dental Board that would automatically disqualify the member from participating in matters affecting dental hygienists.<sup>2/</sup>

Sincerely,



BOB CORBIN  
Attorney General

BC:LTH:JGF:gm

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<sup>2/</sup>However, the public officers should scrupulously examine their interests in each matter coming before the Board to determine whether it is substantial and nonremote. Ariz. Atty. Gen. Op. 179-14